

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ALONZO CLINTON WILLIAMS,

Petitioner,

v.

No.: 3:07-cv-164
(VARLAN/SHIRLEY)

CHERRY LINDAMOOD, Warden,

Respondent.

MEMORANDUM OPINION

This *pro se* petition for the writ of habeas corpus under 28 U.S.C. § 2254 was filed in the United States District Court for the Middle District of Tennessee, Nashville Division, and transferred to this court. The Clerk is DIRECTED to serve a copy of the petition and this Memorandum Opinion on the respondent and the Attorney General of the State of Tennessee by certified mail. For the reasons stated below, the respondent shall not be required to file an answer to the petition and the petition will be **DENIED**.

Petitioner Alonzo Clinton Williams ("Williams") challenges a 1983 conviction for third degree burglary; his sentence was enhanced to life imprisonment as a habitual criminal. This is the fourth federal habeas corpus petition Williams has filed.

In his first habeas corpus petition, Williams alleged ineffective assistance of trial counsel. The petition was dismissed on the merits without an evidentiary hearing. *Alonzo*

Williams v. Michael Dutton, Warden, Civil Action No. 3-87-cv-423 (E.D. Tenn. September 17, 1987), *application for certificate of probable cause denied*, Nos. 88-5016, 88-5018 (6th Cir. March 22, 1988). Williams next filed his second habeas corpus petition, in which he alleged the repeal of the Tennessee Habitual Criminal Act, effective November 1, 1989, was an "implied pardon" of his conviction as a habitual criminal that rendered his sentence void. That petition was dismissed on the basis of procedural default. *Alonzo Clinton Williams v. Howard Carlton, Warden*, Civil Action No. 3:92-cv-667 (E.D. Tenn. October 18, 1995).

Williams' third petition was transferred to the Sixth Circuit, for consideration whether petitioner should be authorized to file a second or successive § 2254 petition in the district court, in accordance with the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) and *In re Sims*, 111 F.3d 45 (6th Cir. 1997); the Sixth Circuit denied petitioner's request for an order authorizing the district court to consider a successive habeas corpus petition. *Alonzo Clinton Williams v. Howard Carlton, Warden*, Civil Action No. 3:00-cv-189 (E.D. Tenn. September 27, 2000) (order from the Sixth Circuit).

This court has not been authorized to consider petitioner's successive petition for the writ of habeas corpus. Accordingly, the habeas corpus petition will be **DENIED** and this action **DISMISSED**. A certificate of appealability **SHALL NOT ISSUE** in this action. 28 U.S.C. § 2253(c). The court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, this court will **DENY** the

petitioner leave to proceed *in forma pauperis* on appeal. See Rule 24 of the Federal Rules of Appellate Procedure

AN APPROPRIATE ORDER WILL ENTER.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE